

CHAPTER XV.

An Act relating to the Faribault School District.

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Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That the following described territory, the same being School District No. one, of Rice county, shall compose a school district and body corporate, by the name of "The Faribault School District," to wit:

The southwest quarter of section number twenty-eight, the south half of section number twenty-nine, and all of sections numbers nineteen, thirty, thirty-one, thirty-two and thirty-three, of township number one hundred and ten north, of range number twenty west, and the north half of section number six, in township number one hundred and nine north, of range number twenty west, and the southwest quarter of section number twenty-five, the east half of section number thirty-five, and all of section number thirty-six, in

Boundary of said district

township number one hundred and ten north, of range number twenty-one west, all according to United States survey.

By said name said district may contract and be contracted with, sue and be sued, and, in its corporate name, shall hold the title of all lands and other property now held, or which may hereafter be acquired for school district purposes in said district.

SEC. 2. There shall be a board of education in said district to consist of five members, all of whom shall be elected by ballot, by the legal voters of said district. At the first election under this act, which shall be held on the last Saturday of March next, three of said members shall be elected to hold their offices for the term of one year, and two for two years, and all until their successors are elected and qualified, and annually thereafter, on the last Saturday of March there shall be elected alternately three and two members, who shall hold their offices for two years, and until their successors are elected and qualified. The filing of the acceptance of the office in writing, with the clerk of the district, shall be the only qualification required.

Board of education
—how elected—
term of office—
qualification

SEC. 3. No member of said board shall receive any compensation for his services except the clerk and treasurer.

Who to receive
compensation for
services

SEC. 4. All vacancies in the board shall be filled by the board.

Vacancies, how
filled

SEC. 5. Three members of said board shall constitute a quorum.

What to constitute
a quorum

SEC. 6. Said board shall hold an annual meeting on the first Monday in April, and a majority of the members present, being not less than a quorum, shall choose one of their number president, another member clerk, and another member treasurer, and shall also choose a superintendent of schools, and fix the compensation of the persons so chosen, either of whom may be removed at any time by said board, and a new officer elected in his place. All vacancies in either of said offices, shall be filled by the board.

When annual
meeting to be held
—election of officers

SEC. 7. The president shall preside at the meetings of the board and district (except that a president pro tempore may be chosen in his absence,) shall sign

Duty of president

all orders drawn upon the treasurer, and perform such other duties as the board may prescribe.

SEC. 8. The clerk shall act as clerk of the district as well as of the board, (except that in his absence, a clerk pro tempore may be chosen,) shall keep a record of the proceedings of all district meetings as well as of the meetings of the board, and of all reports made by him to the county auditor, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district; shall furnish to the county auditor on or before the fifteenth day of September, in each year, an attested copy of his record, stating the amount of money voted to be raised by the district for school purposes at any annual or special meeting, or by the board of education, shall give due notice of all meetings of the district, shall upon the order of the board draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order, the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it is drawn, and he shall take a receipt for every such order, from the person to whom the same is delivered and preserve the same; *Provided*, That no order properly kept with said clerk, shall be delivered to a school teacher who has not filed the register of the school kept by such teacher. He shall keep all records, books and papers belonging to his office, and deliver the same to his successor. He shall, between the first and fifteenth days of October, in each year, make and transmit to the county auditor, a report in writing, showing—

Duty of clerk

1st—The names of all persons, male and female respectively, residing in the district on the last day of September preceding the date of his report, between the ages of five and twenty-one years..

2d—The number of those who have attended the schools during the year.

3d—The length of time schools have been taught by qualified teachers, and the wages paid them by the district.

4th—The amount of money received from the county treasurer from the money apportioned by the county auditor.

5th—The amount of money received from taxes voted to be raised by the district; the purposes for which they were raised; the manner in which said amount has been expended; the condition of school houses and grounds; the kind of books used, and such other facts as the State Superintendent may require, which report shall be verified by oath before some competent person.

Duties of clerk

Any failure on the part of said clerk, to make report to the county auditor, as provided in this act, shall be deemed an indictable misdemeanor, punishable by a fine not exceeding five hundred dollars, which shall be applied to the use of the district. Said clerk shall furnish to each teacher, before the commencement of any school, and as often thereafter as may be necessary, a school register.

Said clerk shall perform such other duties as may be designated by said board.

SEC. 9. The records of said clerk's office, signed by said clerk, or a transcript thereof, or of any part thereof, certified by said clerk, shall be prima facie evidence of the facts therein stated, and all records, books and papers belonging to said district or said board, shall be subject to the inspection of any legal voter of said district.

Records of clerk
subject to the in-
spection of legal
voters;

SEC. 10. It shall be the duty of the treasurer before entering upon the duties of his office, to execute a bond to the district in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer during the year, with not less than two sureties, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer. Such bond shall be filed with the clerk of the district, and in case of any breach of the condition thereof, the board shall cause a suit to be commenced thereon, in the name of the district, and the money recovered shall be applied to the use of the district. Said board may require said treasurer to give additional security from time to time. Said treasurer shall receive, and upon the order of the board, signed by the president and clerk, pay out all moneys belonging to the district, paying each order only out of the particular fund upon which it is drawn, and shall

Duties of treasurer

Duties of treasurer

keep an accurate, detailed and separate account of each fund coming into his hand in a book or books provided for that purpose. Said treasurer shall, within the three days preceding the last Saturday in March in each year, file with the clerk of the district, a report in writing, signed by him, and containing a statement of all the moneys received by him during the year preceding, and of all his disbursements. Said report shall be examined by the board (before which the treasurer shall exhibit his vouchers,) before the annual meeting of the district, and approved or disapproved by resolution entered upon the records of said board. Said treasurer shall make such reports of the business of his office as may be called for by the board at any time. He shall keep all records, books and papers belonging to his office, and deliver the same to his successor in office, on demand. He shall pay over to his successor in office, upon demand, after such successor shall have given bond, as hereinbefore required, all moneys in his hands belonging to said district. He shall perform such other duties as may be laid down by the board.

Duties of superintendent of schools

SEC. 11. It shall be the duty of the superintendent to examine teachers making application for schools in said district, which examinations shall be public, and in the presence of the board, and to grant certificates to such persons as shall by him be deemed to be suitably qualified, which certificates shall, in all cases, specify the branches which he deems the person to whom the same may be issued, qualified to teach. He shall visit all the schools in said district at least once in each month, and shall before the last Saturday in March, in each year, make a report in writing to the board, (by filing the same with the clerk,) comprising a statement of the number of teachers by him examined, the number of certificates issued, and to whom issued, a statement of the condition and progress of each school separately, with such other facts and suggestions as he may deem proper. He shall perform such other duties as the board may assign to him.

SEC. 12. The board of education shall have power, and it shall be their duty,

First.—To establish and organize, alter and discontinue one or more schools in said district, as they may deem expedient.

Second.—To hire necessary rooms or buildings for schoolhouses, and grounds about the same.

Third.—When authorized, by a vote of the district, to purchase, fence and improve land, as sites for schoolhouses, and to sell or exchange the same.

Fourth.—When authorized, by a vote of the district, to purchase, build, enlarge, alter, improve, sell, or exchange one or more schoolhouses.

Fifth.—To purchase, sell and exchange school apparatus, books for a district library and school books for indigent pupils, and furniture, stoves and other appendages for schoolhouses, and to provide fuel for the same.

Sixth.—To take care of the property of the district, and procure insurance and make ordinary repairs upon the same, or any part thereof, when deemed expedient.

Seventh.—To contract with, employ and pay teachers who have received certificates from the superintendent, and to discharge the same.

Powers of board
of education

Eighth.—To defray the necessary expenses of the board, pay the compensation of the clerk, treasurer and superintendent, and for such printing, record books, stationery and other incidental matter as may be deemed proper.

Ninth.—To superintend and manage in all respects the common schools in said district, and from time to time to adopt, alter, modify and repeal rules for their organization, government and instruction, for the keeping of registers, for the reception of pupils, resident and non-resident, within the district, their suspension, expulsion and transfer from one school to another, to prescribe text books, and a course of study for the schools, and to visit each of the schools in said district not less than once in every three months.

Tenth.—To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and prescribe penalties for the breach thereof, to be recovered as penalties in other cases, before a justice of the peace, and to change and repeal the same.

Eleventh.—To make, change, and repeal rules relating to the organization, government and business of said board, and the duties of its officers, and to appoint an agent or agents from among or outside of their own number, to transact any business for said board or said district.

Twelfth.—To provide for the prompt payment, at maturity, of the principal and interest of any indebtedness of the district, by voting, from time to time, taxes upon the taxable property of said district, sufficient to meet the same, making allowance for delinquency in paying any part of such taxes.

Thirteenth.—To vote a tax upon the taxable property of said district, not exceeding three hundred dollars in any one year, for the purposes mentioned in subdivision five, of section fourteen of this act. *Provided*, The district shall neglect, seasonably, to vote the tax provided for in said subdivision.

Notices of annual or special meetings to be given by the clerk

SEC. 13. Notice of each annual or special meeting of said district shall be given by the clerk, by one or more publications of notice in a newspaper published in said town of Faribault, or by posting up three notices thereof in public and conspicuous places in said district ten days before such meeting. Every notice shall specify the objects of the proposed meeting. No special meeting shall be called except upon the order of the board, or the petition of twenty-five legal voters of said district, addressed to the clerk. *Provided*, That no election of officers, at any annual meeting, shall be invalid for want of notice of such meeting. *And provided further*, That at any annual meeting, whether legally noticed or not, a sufficient number of legal voters being present, as herein provided, may act upon any matter upon which they are authorized to act under the first, second, third, fourth and fifth subdivisions of section fourteen of this act.

SEC. 14. The legal voters of said district, when lawfully assembled, not less than twenty-five being present, shall have power, by a majority of the votes of those present—

First—In the absence of the president of the board of education, to choose a president, pro tempore, to preside over said meeting.

Second.—In the absence of the clerk, to choose a clerk pro tempore. Power of legal voters

Third.—To adjourn from time to time.

Fourth.—To elect members of the board of education, in accordance with the provisions of this act.

Fifth.—To vote an amount of money, to be raised by a tax on the taxable property of the district, sufficient to keep the schoolhouses and apparatus in repair, and provide the same with necessary furniture, stoves, appendages and fuel. *Provided*, That the amount so voted to be raised at any one meeting, shall not exceed three hundred dollars.

Sixth.—To repeal or modify their proceedings from time to time.

SEC. 15. In addition to the powers conferred by the foregoing section, the legal voters of said district, when lawfully assembled, not less than fifty being present, shall have power, by a majority of the votes of those present—

First.—To authorize the board of education to purchase, fence, and improve land as sites for schoolhouses, and to sell or exchange the same.

Second.—To authorize the board of education to purchase, build, enlarge, alter, improve, sell or exchange one or more schoolhouses.

Third.—To vote an amount of money, to be raised as a tax, on the taxable property of the district, sufficient, with the apportionment of the common school fund, to support schools for the length of time voted by the district, and sufficient to hire necessary rooms or buildings for schoolhouses and grounds about the same, and sufficient to purchase school apparatus, books for a district library, school books for indigent pupils, and furniture, stoves and other appendages for schoolhouses, and fuel for the same, and sufficient to insure and make ordinary repairs upon schoolhouses, and sufficient to defray the necessary expenses of the board, pay the compensation of the clerk, treasurer and superintendent, and to pay for such printing, record books, stationery and other incidental matters as may be deemed proper by the board. Additional power of legal voters

Fourth.—To vote an amount of money, to be raised

as aforesaid, sufficient to purchase, fence and improve land, as sites for schoolhouses, and to purchase, build, enlarge, alter, improve, one or more schoolhouses. *Provided*, That the amount voted to be raised in any one year shall not exceed two thousand dollars, except as hereinafter provided.

Taxes levied, how collected

SEC. 16. All taxes raised by virtue of this act, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

When first annual meeting to be held

SEC. 17. The clerk of the present district, number one, of Rice county, shall give notice, as herein prescribed, of the first annual meeting herein provided for, on the last Saturday of March next.

What sections not to apply to said district

SEC. 18. Sections one to twenty-one, inclusive, sections twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four, of an act of the legislature, entitled "an act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, approved March 6, 1862, and section one of an act of the legislature amendatory thereof, approved March 8th, 1862, shall be held and taken not to apply to the school district herein established, except when herein expressly re-enacted.

Not to be affected by any subsequent act

SEC. 19. This act shall not be repealed or affected in any manner, by any subsequent act unless specially mentioned or named therein.

For what purpose authorized to raise money—in what sum

SEC. 20. At any time during the year, 1864, at any special meeting or meetings, said district is hereby authorized to vote an amount or amounts of money, not exceeding six thousand dollars in all, to be raised by taxes upon the taxable property of said district, for the purpose of procuring a site or sites for one or more schoolhouses, and for the purpose of building one or more schoolhouses, or for the latter purpose only. *Provided, however*, That such special meetings shall be called only upon the petition of not less than twenty-five legal voters of said district; and that in case such tax or taxes, to the amount of six thousand dollars, are raised, no other tax shall be levied for the purposes specified in this section during the year 1864.

SEC. 21. In lieu of the tax provided for in the

preceding section, said district may levy any tax provided for in other parts of this act, and may at any time, during the year 1864, at any special meeting, vote to issue the bonds of the district for the same purposes expressed in section twenty hereof, to an amount not exceeding six thousand dollars in all, and in sums not less than fifty dollars, payable in not more than five years from the date thereof, and bearing interest at a rate not exceeding ten per cent. per annum, payable annually. *Provided, however,* That such special meeting shall be called only as provided in said section twenty. Said bonds shall be issued in the name of the district, by the board of education from time to time, and signed by the president, clerk and treasurer, and the clerk shall keep an accurate register thereof, and shall take a receipt for each one of the same, which may be issued, and carefully preserve such receipts. The board of education is hereby authorized to negotiate said bonds, at a rate not less than the district shall vote, provided any vote be had therein.

Other taxes may be levied—may issue bonds—at what rate of interest

SEC. 22. This act shall take effect and be in force from and after its passage, but nothing herein contained (except so far as the annual election, and notice thereof, is concerned,) shall interfere with or suspend the functions of the present District No. one of Rice county, until the organization of the board of education.

Approved February 24, 1864.